



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA COLA,

Defendant.

2:20-CR-295-JCM-EJY

Preliminary Order of Forfeiture

This Court finds Joshua Cola pled guilty to Count One of a Two-Count Criminal Indictment charging him with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Criminal Indictment, ECF No. 9; Change of Plea, ECF No. 72; Plea Agreement, ECF No. 74.

This Court finds Joshua Cola agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 9; Change of Plea, ECF No. 72; Plea Agreement, ECF No. 74

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment and the offense to which Joshua Cola pled guilty.

The following property is any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1) and is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c):

1. a Smith and Wesson SD .40 caliber handgun, bearing serial number FLB7088; and

1 2. any and all compatible ammunition
2 (all of which constitutes property).

3 This Court finds that on the government's motion, the Court may at any time enter
4 an order of forfeiture or amend an existing order of forfeiture to include subsequently
5 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
6 32.2(b)(2)(C).

7 This Court finds the United States of America is now entitled to, and should, reduce
8 the aforementioned property to the possession of the United States of America.

9 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
10 DECREED that the United States of America should seize the aforementioned property.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
12 rights, ownership rights, and all rights, titles, and interests of Joshua Cola in the
13 aforementioned property are forfeited and are vested in the United States of America and
14 shall be safely held by the United States of America until further order of the Court.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that if the value of
16 the property is less than \$1,000, the government may serve every person reasonably
17 identified as a potential claimant in lieu of publication pursuant to Fed. R. Crim. P.
18 32.2(b)(6)(C) with Fed. R. Civ. P. Supp. Rule G(4)(a)(i)(A).

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
20 or entity who claims an interest in the aforementioned property must file a petition for a
21 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
22 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
23 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
24 right, title, or interest in the forfeited property and any additional facts supporting the
25 petitioner's petition and the relief sought.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
27 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
28 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was

1 not sent, no later than sixty (60) days after the first day of the publication on the official
2 internet government forfeiture site, www.forfeiture.gov.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
4 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
5 Attorney's Office at the following address at the time of filing:

6 Daniel D. Hollingsworth
7 Assistant United States Attorney
8 James A. Blum
9 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
11 described herein need not be published in the event a Declaration of Forfeiture is issued by
12 the appropriate agency following publication of notice of seizure and intent to
13 administratively forfeit the above-described property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
15 copies of this Order to all counsel of record.

16 DATED Nov. 2, _____, 2021.

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19 JAMES C. MAHAN
20 UNITED STATES DISTRICT JUDGE
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